

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in view of the above amendments and in light of the following discussion, is respectfully requested.

Claims 2-13, 17-19, and 21 are pending. In the present amendment, Claims 2, 3, 17, and 18 are currently amended and new Claim 21 is added. Claim 17 is hereby amended to delete the cutting element, which is added in new Claim 21. Further, Claims 2, 3, and 18 are amended to be consistent with Claims 17 and 21. Thus, it is respectfully submitted that no new matter is added.

In the outstanding Office Action, Claims 1, 2, 4-7, 9, 10, 13, and 15-20 were rejected under 35 U.S.C. § 112, second paragraph; Claims 1, 2, 4-6, 9, 10, 13, 16, 17, 19, and 20 were rejected under 35 U.S.C. § 103(a) as unpatentable over Miyazawa et al. (U.S. Patent No. 5,653,357, hereinafter “Miyazawa”) in view of either one of Saunders et al. (U.S. Patent No. 5,590,558, hereinafter “Saunders”); Claim 7 was rejected under 35 U.S.C. §103(a) as unpatentable over Miyazawa in view of Saunders, and further in view of Shimizu et al. (U.S. Patent No. 5,686,194, hereinafter “Shimizu”); Claims 15, 16, 18, and 19 were rejected under 35 U.S.C. §103(a) as unpatentable over Miyazawa in view of Saunders, and further in view of Ullman (U.S. Patent No. 4,354,370, hereinafter “Ullman”) or Ueno et al. (U.S. Patent No. 4,143,790, hereinafter “Ueno”); and Claims 15 and 18 were rejected under 35 U.S.C. §103(a) as unpatentable over Miyazawa in view of Saunders, and further in view of either Ullman or Ueno, and further in view of Rashid et al. (U.S. Patent No. 6,253,588, hereinafter “Rashid”).

In response to the rejections under 35 U.S.C. § 103(a), Applicant respectfully requests reconsideration of these rejections and traverses these rejections, as discussed below.

Claim 17 is the only pending independent claim. Claim 17 recites:

A method for fabricating a composite laminate part,
comprising:

coating at least one side of a steel sheet, of which a thickness E_a is less than 0.65 mm with one or more adhesive polymer films of which a total thickness E_p is equal to or greater than 0.1 mm, to form a composite laminate steel sheet having a total thickness E, according to which $E = E_a + E_p$, and

forming by initially drawing the composite laminate sheet to obtain said composite part, the drawing being carried out in a drawing tool comprising a punch, a die, and a blank holder, by adjusting a value of the material passage Pm between the punch and the die, so that:

$$E - 0.80 \times E_p \leq Pm < E.$$

As discussed in the previous response, in the initial drawings, the material passage PM between the punch and the die *is less than* a total thickness E of the composite laminate steel sheet. It is respectfully submitted that the cited references do not disclose or suggest every feature recited in Claim 17.

The Office Action cites Miyazawa in view of Saunders to reject Claim 17. The Office Action acknowledges that Miyazawa “is silent as to adjusting the value of the material passage.” Instead, the Office Action again relies on Saunders to cure this deficiency of Miyazawa.

Saunders describes a method of forming cans that includes a drawing step in which the preselected tooling clearance between a punch 62 and an interior wall 68 of the die 60 “is at least about the thickness of the coated can stock.”¹ The Office Action, in the first full paragraph on page 5, takes the position that the above-quoted language of Saunders “includes a tool clearance that is slightly less than thickness of the coated can stock, which satisfies the requirement of the claim.”

Further, the Advisory Action states that “[A]t least about the thickness” allows for thickness slightly below the thickness thus the ranges overlap.” Thus, the Advisory Action

¹ See Saunders, at column 9, lines 34-37.

concludes that “[t]he range of the clearance disclosed by Saunders overlaps with the claim range for the material passage.”

The interpretation of this term in the Office and Advisory Actions is *not* based on any support from Saunders, but is instead based on prior Federal Circuit decisions listed in MPEP 2144.05 I., which interpret the term “about” to include values slightly outside of the stated range. As noted in MPEP 2144.05 III., “*a prima facie* case of obviousness may also be rebutted by showing that the art, *in any material respect*, teaches away from the claimed invention” (emphasis added). In view of the evidence provided below, Applicant respectfully submits that the interpretation of Saunders in the Office and Advisory Actions is improper and should be withdrawn.

Initially, it is noted that Saunders does not positively recite that the thickness between the punch 62 and an interior wall 68 of the die 60 is *less than* the thickness of the coated can stock. Instead, the term “at least about the thickness” is relied upon. It is further noted that another way to interpret the term “at least about the thickness” is that the thickness between the punch 62 and an interior wall 68 of the die 60 is *greater than or equal to* the thickness of the coated can stock. When Saunders is viewed in its entirety, greater than or equal to is the only correct interpretation.

In support of the above position, it is noted that column 6, lines 19-20 of Saunders describes a “tooling clearance equal to can stock thickness.” This expression is not ambiguous; a negative clearance cannot be equal to can stock thickness.

Further, the Office Action does not take into consideration the end of the cited phrase at column 9, lines 33-37, which reads “and can allow for tolerance specifications of the sheet metal.” Therefore, the only sentence relied on to show a negative clearance, when read as a whole, is not compatible with a negative clearance. Instead, to account for the tolerance of the sheet metal, it was conventionally necessary to have a *slightly positive clearance* to avoid

the risk of pinching between the tools.² Thus, Saunders is similar to the conventional process described in lines 1-7 on page 2 of the present specification, which requires a positive clearance.

Further, Saunders describes at column 1, lines 45-50, that a contribution of this draw-processing is the capability of maintaining the integrity of the organic polymeric coating. Such an objective is not compatible with a negative clearance. It is indeed made clear from the present specification at page 16, lines 5-8, that, in the case of a negative clearance, the polymer flows *sacrificially* to preserve the zinc precoat and to delay any incipient breakage in the part. Thus, the integrity of the polymer coating is not maintained with a negative clearance. In Saunders, a negative clearance would thus lead to the degradation of the organic polymeric coating, contrary to what Saunders actually teaches.

Accordingly, as discussed above, Saunders does not positively recite a negative clearance and Saunders actually makes several statements that are inconsistent with the negative clearance. Thus, Saunders teaches away from using a negative clearance.

Further, as Saunders can perform its intended function with the clearance being equal to or greater than the thickness, Saunders does not inherently require the clearance to be less than the thickness. Thus, a person of ordinary skill in the art would reasonably interpret the term in question as being equal to or greater than the thickness.

Accordingly, Applicant has provided evidence that Saunders itself teaches away from a negative clearance. Therefore, the interpretation in the Office Action that the term “about” in Saunders implies a negative clearance, is respectfully traversed. Accordingly, the range of the clearance disclosed by Saunders **does not** overlap with the claimed range for the material passage.

² See lines 8-16 on page 2 of the present specification.

Therefore, it is respectfully submitted that the cited combination does not disclose or suggest every feature recited in independent Claim 17. Thus, it is respectfully requested that the rejection of Claim 17, and all claims dependent thereon, as unpatentable over Miazawa in view of Saunders be withdrawn.

Regarding the rejections of Claims 7, 15, 16, 18, and 19, it is again noted that Claims 15 and 16 were canceled without prejudice or disclaimer by the previous response. It is also noted that Claims 7, 18, and 19 are dependent on Claim 17 and thus are believed to be patentable for at least the reasons discussed above with respect to Claim 17. Further, it is respectfully submitted that Shimizu, Ullman, Ueno, and Rashid do not cure the above-noted deficiencies of the combination of Miazawa and Saunders. Thus, it is respectfully requested that the rejections of Claims 7, 15, 16, 18, and 19 be withdrawn.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application and the present application is believed to be in condition for formal allowance. A notice of allowance is earnestly solicited.

Respectfully submitted,

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